

**BOARD OF EMPLOYEE LEASING COMPANIES  
GENERAL BUSINESS MEETING MINUTES  
THE RENAISSANCE WORLD GOLF VILLAGE RESORT  
500 SOUTH LEGACY TRAIL  
ST. AUGUSTINE, FLORIDA 32092  
888-789-3090**

**APRIL 15, 2015  
1:00 P.M. EST**

**I. CALL TO ORDER**

The meeting was called to order at approximately 1:35 p.m. EST by Mr. Abram Finkelstein, Board Chair.

**II. ROLL CALL**

**MEMBERS PRESENT**

Abram Finkelstein, Chair  
John Jones, Vice Chair  
Eric Arfons  
Scott Buchanan

**MEMBERS ABSENT**

Philip Stamatyades (*excused*)

**STAFF PRESENT**

Rick Morrison, Executive Director, DBPR  
Mary Ellen Clark, Board Counsel, Office of the Attorney General  
Daniel Brackett, Assistant General Counsel, DBPR  
James Fortunas, Assistant General Counsel, DBPR  
Krista Woodard, Government Analyst, DBPR  
Tenasha Riley, Government Analyst, DBPR

**OTHERS PRESENT**

Greg Mills, Department of Financial Services, Workers' Compensation  
Michael Miller, Kunkel, Miller & Hament, P.A. and FAPEO  
Timothy Tack, Kunkel Miller & Hament, P.A.  
Torben Madson, Kunkel Miller & Hament, P.A.  
Donna C. Mickle  
Bonner C. Upshaw, III

The meeting was opened with a roll call and a quorum was established.

**III. THE PLEDGE OF ALLEGIANCE**

Mr. Finkelstein led all in the Pledge of Allegiance.

Mr. Brackett introduced Mr. James Fortunas as the new Prosecuting Attorney for the Board.

Mr. Fortunas gave a brief synopsis of his background and stated that he looked forward to working with the Board.

The members of the Board welcomed Mr. Fortunas and thanked Mr. Brackett for his service.

**IV. REVIEW AND APPROVAL OF THE FEBRUARY 17-18, 2015 GENERAL BUSINESS MEETING MINUTES**

MOTION: Mr. Arfons moved to approve the minutes.  
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

**V. REVIEW AND APPROVAL OF THE MARCH 18, 2015 TELEPHONE CONFERENCE CALL MEETING MINUTES**

MOTION: Mr. Jones moved to approve the minutes.  
SECOND: Mr. Arfons seconded the motion and it passed unanimously.

**VI. PETITION FOR VARIANCE OR PARTIAL WAIVER OF FLORIDA ADMINISTRATIVE CODE, RULE 61G7-5.0033(4)**

**A. Tandem Professional Employer Services, Inc. and Bruce Leon - VW 2015-058**

Mr. Tack presented the petition stating his clients were seeking clarification for the 2014 Annual Audit and the audits going forward.

After discussion the following motion was made.

MOTION: Mr. Finkelstein moved to grant the variance or partial waiver of Rule 61G7-5.0033(4), FAC.  
SECOND: Mr. Jones seconded the motion and it passed unanimously.

**VII. DISCIPLINARY PROCEEDINGS – Office of the General Counsel**

**A. SETTLEMENT STIPULATIONS**

**1. Niloc Staff Leasing, Ltd. Case Number: 2011-045781**  
*PCP: Dockery and Seltzer – May 16, 2012*

Mr. Brackett presented the case explaining it stems from violations involving failure to submit the 2010 audited or reviewed Annual Financial Statement within 120 days after the end of the fiscal year.

Mr. Brackett stated the settlement stipulation provides for imposition of an administrative fine of \$1,000.00 and certification that all of the financial and administrative responsibilities regarding former clients have been fulfilled.

MOTION: Mr. Jones moved to adopt the terms of the settlement stipulation as the final order of the board.  
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

**2. Robbin R. Syrek**

**Case Number: 2011-057820**

*PCP: Dockery and Seltzer – May 16, 2012*

Mr. Brackett presented the case explaining it stems from violations involving failure to submit the 2010 audited or reviewed Annual Financial Statement within 120 days after the end of the fiscal year.

Mr. Brackett stated the settlement stipulation provides for imposition of an administrative fine of \$1,000.00 and certification that all of the financial and administrative responsibilities regarding former clients have been fulfilled.

MOTION: Mr. Jones moved to adopt the terms of the settlement stipulation as the final order of the board.

SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

**3. Complete Personnel Logistics, Inc.**

**Case Number: 2014-024267**

**4. Jason Lucarelli**

**Case Number: 2014-024283**

**5. Samuel L. Lucarelli Jr.**

**Case Number: 2014-024303**

*PCP: N/A*

Mr. Brackett advised that he was pulling the above-mentioned cases from the agenda and would present them at a later date.

**6. CPE HR, Inc.**

**Case Number: 2014-023881**

**7. Harold Walt**

**Case Number: 2014-023884**

*PCP: Seltzer and Stamatyades – February 17, 2015*

Mr. Brackett presented the cases explaining they stem from violations involving failure to timely submit the 2013 Annual Financial Statement and failure to timely submit the 2013 4<sup>th</sup> quarter report and the 2014 1<sup>st</sup> quarter report.

Mr. Brackett stated the settlement stipulation provides for imposition of an administrative fine of \$2,000.00, costs of \$78.65, with joint and several liabilities for payment of the fine and costs.

MOTION: Mr. Jones moved to adopt the terms of the settlement stipulation as the final order of the board.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

**8. Payroll Management, Inc.**

**Case Number: 2014-022945**

**9. Michael Fred Bonneau**

**Case Number: 2014-022952**

**10. Donna Mickle**

**Case Number: 2014-022971**

*PCP: Seltzer and Stamatyades – February 17, 2015*

Mr. Brackett presented the cases explaining they stem from violations involving failure to timely submit the 2013 Annual Financial Statement, failure to renew controlling person's license, failure to timely submit the 2013 Annual Assessment Fee, and failure to timely submit the 2014 2<sup>nd</sup> quarter report.

Mr. Brackett stated the settlement stipulation provides for imposition of an administrative fine of \$3250, costs of \$75.54, with joint and several liabilities for payment of the fine and costs.

MOTION: Mr. Finkelstein moved to adopt the terms of the settlement stipulation as the final order of the board, settling all matters in these cases contingent upon submission of financial statements for the 2<sup>nd</sup> quarter of 2014 meeting the statutes and rule requirements within seven days of the entry of the final order.

SECOND: Mr. Jones seconded the motion and it passed unanimously.

- |     |                                 |                                 |
|-----|---------------------------------|---------------------------------|
| 11. | <b>Trion Solutions, Inc.</b>    | <b>Case Number: 2014-032364</b> |
| 12. | <b>Trion Solutions II, Inc.</b> | <b>Case Number: 2014-032355</b> |
| 13. | <b>Bonner C. Upshaw, III</b>    | <b>Case Number: 2014-032366</b> |
- PCP: Seltzer and Stamatyades – February 17, 2015*

Mr. Brackett presented the cases explaining they stem from violations involving the submission of combined financial statements without Board-approved cross guarantees, failure to timely submit the 2014 2<sup>nd</sup> quarter report, and failure to obey the board's lawful order to comply with the final order for case 2014-031443.

Mr. Brackett stated the settlement stipulation provides for imposition of an administrative fine of \$7000, costs of \$210.12, with joint and several liabilities for payment of the fine and costs.

Mr. Jones asked Mr. Upshaw what Mr. Vanderburg had to do with his company.

Mr. Upshaw stated that Mr. Vanderburg was a consultant for the company, the acting COO.

Mr. Jones stated that Mr. Vanderburg would be required to be a controlling person if he was acting on behalf of the company.

Mr. Upshaw replied that Mr. Vanderburg had no ownership in the company and that he has no direction or control of anything.

After a very lengthy discussion, the following motion was made.

MOTION: Mr. Jones moved to adopt the terms of the settlement stipulation as the final order of the board, settling all matters in these cases contingent upon submission of properly executed cross guarantees meeting the states and rule requirements within seven days entry of the final order.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

## **VIII. REVIEW AND CONSIDERATION OF EMPLOYEE LEASING COMPANY AND CONTROLLING PERSON APPLICATIONS**

### **A. ABS 1, Inc. – EL Applicant Melvin H. Willis, Jr., Controlling Person Applicant**

Mr. Finkelstein presented the company application of ABS 1, Inc. and the controlling person application for Melvin Willis.

Mr. Tack addressed the board stating that John Rousseau will not be a controlling person for this company.

MOTION: Mr. Jones moved to approve the applications.  
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

- B. Regis HR Group 11, Inc. – GL Applicant  
Regis HR Group 12, Inc. – GM Applicant  
Regis HR Group 13, Inc. – GM Applicant  
Regis HR Group 14, Inc. – GM Applicant  
Regis HR Group 15, Inc. – GM Applicant  
Carlos Saladrigas, Jr., CO 870**

Mr. Finkelstein presented the company applications.

MOTION: Mr. Jones moved to approve the applications.  
SECOND: Mr. Arfons seconded the motion and it passed unanimously.

- C. Vision HR II, Inc. – GL Applicant  
Vision HR Services, Inc. – GM Applicant  
Dennis E. Lilly, CO 379**

Mr. Finkelstein presented the group leader and group member applications.

MOTION: Mr. Jones moved to approve the applications.  
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

**\*\*\* Termination of Operations\*\*\***

- Vision HR II, Inc. – GM 124
- Vision HR, Inc. – GL 60

MOTION: Mr. Jones moved to approve the termination of operations applications.  
SECOND: Mr. Arfons seconded the motion and it passed unanimously.

- D. Alex Frank Pisani, Controlling Person Applicant  
S2 HR Solutions Group 1, LLC dba Engage PEO – GL 168  
S2 HR Solutions Group 2, LLC dba Engage PEO – GL 184  
*(Group Members are included in list of companies)***

Mr. Finkelstein presented the controlling person application of Mr. Alex Pisani.

MOTION: Mr. Jones moved to approve the application.  
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

**IX. REVIEW AND CONSIDERATION OF DE MINIMIS EXEMPTION AND REGISTRATION APPLICATION**

**A. Consolidated Personnel Services, Inc.  
(Jerry K.O. Persson, Pres./Sec./Treas.)**

Mr. Finkelstein presented the company application for Consolidated Personnel Services, Inc.

Mr. Jones stated that the IRS 8821 form needed to include income tax.

MOTION: Mr. Jones moved to approve the application pending receipt of a corrected IRS 8821 Form.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

**X. REVIEW AND CONSIDERATION OF CHANGE OF OWNERSHIP APPLICATIONS**

**A. CoEmployers, Inc. – GL 172  
CoEmployers III, Inc. – GM 442**

Mr. Finkelstein presented the change of ownership application of CoEmployers, Inc. and CoEmployers III, Inc.

MOTION: Mr. Jones moved to approve the change of ownership application.

SECOND: Mr. Finkelstein seconded the motion and it passed.

**\*\*\* Termination of Operations \*\*\***

**• CoEmployers II, Inc. – GM 441**

MOTION: Mr. Jones moved to approve the termination of operations application.

SECOND: Mr. Finkelstein seconded the motion and it passed.

*Mr. Arfons recused himself from the votes due to personal involvement and knowledge of the company.*

**B. HRSmarter I, LLC – GL 213  
HRSmarter II, LLC – GM 563  
Anthony Michael Danon, Controlling Person Applicant**

Mr. Finkelstein presented the change of ownership applications and the controlling person application of Mr. Anthony Danon.

MOTION: Mr. Jones moved to approve the change of ownership and controlling person applications.

SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

**C. HRSmarter III, LLC – GM 570  
D. HRSmarter IV, LLC – GM 569**

Mr. Finkelstein presented the change of ownership applications.

MOTION: Mr. Jones moved to approve the change of ownership application.  
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

**XI. REVIEW AND NOTIFICATION OF EMPLOYEE LEASING COMPANY NAME CHANGES**

- A. **CTMJ, Inc. – GL 218**  
TO: **CTMJ, Inc. d/b/a Infiniti Resource Management**
- B. **CTMJ II, Inc. – GM 573**  
TO: **CTMJ II, Inc. d/b/a Infiniti Resource Management**
- C. **CTMJ III, Inc. – GM 574**  
TO: **CTMJ III, Inc. d/b/a Infiniti Resource Management**

Mr. Finkelstein presented the name change applications.

MOTION: Mr. Jones moved to approve the name change applications.  
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

- D. **G & S Leasing Group VI, Inc. – GL 200**  
TO: **G & S Leasing Group VI, Inc. d/b/a Value PEO VI**
- E. **G & S Leasing Group, Inc. – GM 530**  
TO: **G & S Leasing Group, Inc. d/b/a Value PEO**
- F. **G & S Leasing Group 2, Inc. – GM 531**  
TO: **G & S Leasing Group 2, Inc. d/b/a Value PEO 2**
- G. **G & S Leasing Group 3, Inc. – GM 532**  
TO: **G & S Leasing Group 3, Inc. d/b/a Value PEO 3**

Mr. Finkelstein presented the name change applications.

MOTION: Mr. Jones moved to approve the name change applications.  
SECOND: Mr. Arfons seconded the motion and it passed unanimously.

- H. **LCM Holdings II, Inc. – GL 212**  
TO: **Sidecar HR, LLC**
- I. **LCM Holdings III, Inc. – GM 560**  
TO: **Sidecar HR II, LLC**
- J. **LCM Holdings IV, Inc. – GM 561**  
TO: **Sidecar HR III, LLC**
- K. **LCM Holdings V, Inc. – GM 562**  
TO: **Sidecar HR IV, LLC**

Mr. Finkelstein presented the name change applications.

MOTION: Mr. Jones moved to approve the name change applications.  
SECOND: Mr. Arfons seconded the motion and it passed unanimously.

## XII. REVIEW AND CONSIDERATION OF CONTROLLING PERSON RELINQUISHMENTS

- A. **Arnaldo Ledesma, CO 871**  
**Simplex Group, Inc. – GL 154**  
**Regis HR Group 6, Inc. – GL 191**  
*(Group Members are included in list of companies)*

Mr. Finkelstein presented the controlling person relinquishment of Mr. Arnaldo Ledesma.

MOTION: Mr. Jones moved to accept the controlling person relinquishment.  
SECOND: Mr. Arfons seconded the motion and it passed unanimously.

- B. **Carlos A. Saladrigas, Sr., CO 879**  
**Simplex Group, Inc. – GL 154**  
**Regis HR Group 6, Inc. – GL 191**  
*(Group Members are included in list of companies)*

Mr. Finkelstein presented the controlling person relinquishment of Mr. Carlos Saladrigas, Sr.

MOTION: Mr. Jones moved to accept the controlling person relinquishment.  
SECOND: Mr. Arfons seconded the motion and it passed unanimously.

## XIII. DISCUSSIONS

- A. **Rule 61G7-5.0033 – Consolidated and Combined Financial Statements**  
o **EL 4518 - Cross Guarantee Form**

The following action was taken in respect to Rule 61G7-5.0033, FAC.

MOTION: Mr. Jones moved to approve the presented language and updates to the cross-guarantee form.  
SECOND: Mr. Finkelstein seconded the motion and it passed unanimously.

### **61G7-5.0033 Consolidated and Combined Financial Statements.**

*(1) All reviewed or audited financial statements submitted to the Department by Florida licensed employee leasing companies shall be presented in accordance with Generally Accepted Accounting Principles (GAAP), as defined by Rule 61H1-20.007, F.A.C.*

*(2) An employee leasing company or an employee leasing company group that is a subsidiary or a member of another entity that may otherwise be included in the consolidated financial statements of a parent or a controlling entity, may submit individual reviewed or audited financial statements to satisfy the filing requirements of Section 468.525(3)(e), F.S.*

*(3) An employee leasing company or an employee leasing company group may be included in the consolidated financial statements of a licensed or non-licensed parent or controlling entity to meet the requirements of Section 468.525(3)(e), F.S., as applicable, so long as there are Board-approved cross guarantees between the parent or controlling entity and all Florida-licensed employee leasing companies included in such statements.*

*(4) A Florida-licensed employee leasing company, employee leasing company group, employee leasing company groups, or any combination thereof, may submit combined audited or reviewed financial*



statements to meet the requirements of Section 468.525(3)(e), F.S. as applicable, so long as the combined financial statements are prepared in accordance with GAAP, as referenced above, there is accounting net worth and positive working capital demonstrated in the combined financial statements, and there are Board-approved cross-guarantees among between all employee leasing companies and all entities covered in the combined financial statements. Non-Florida are Florida-licensed employee leasing companies and other entities may be included in the combined financial statements as long as they are under common control and their operations are integral to the operations of the Florida-licensed employee leasing company, companies, group or groups, or are integral to the operations of a Non-Florida employee leasing company, companies, group, or groups.. Other entities may not be included in combined financial statements. The notes to the combined financial statements must describe the ownership or management control relationships, and the nature and scope of the operations of each entity included in the combined financial statements, to clearly demonstrate that the operations of all included entities are integral to the operations of employee leasing business.

(5) Cross guarantees must be submitted, either at the time of initial application for licensure or as part of any consolidated or combined financial statement submissions, using Form EL-4518, entitled "Cross Guarantee Form," which is incorporated by reference herein, effective April, 2015, and available at [http://www.myfloridalicense.com/dbpr/pro/emplo/documents/el-4518\\_enterable.pdf](http://www.myfloridalicense.com/dbpr/pro/emplo/documents/el-4518_enterable.pdf).

Rulemaking Authority 468.522, 468.525(3)(e) FS. Law Implemented 468.525(3)(e) FS. History-New 5-26-96, Amended 9-5-04, 11-9-06, 8-1-11,\_\_\_\_\_.

After approval of the proposed language, Ms. Clark asked the following questions:

**1. Will the proposed rule amendments have an adverse impact on small business?**

MOTION: Mr. Jones moved that the proposed amendments to Rule 61G7-5.0033, F.A.C. would not have an adverse impact on small business.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

**2. Will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after implementation?**

MOTION: Mr. Jones moved that the proposed language would not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after implementation.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

Ms. Clark stated based on the board's responses to the questions, a SERC would not be needed.

#### **XIV. REPORTS**

**A. Office of the General Counsel – Daniel Brackett**

**1. Prosecuting Attorney's Report**

Mr. Brackett advised that there were 48 public cases in the General Counsel's office that were being processed and only 16 of them were over a year old.

**B. Executive Director – Rick Morrison**

No Report

**C. Chairperson – Abram Finkelstein**

No Report

**D. Office of the Attorney General – Mary Ellen Clark**

**1. April 2015 Rules Report**

Ms. Clark summarized the rules report included in the agenda materials.

Ms. Clark advised that the changes to Rule 61G7-10.002, FAC were included in the agenda materials and needed approval from the board.

After discussion the following motion was made.

MOTION: Mr. Finkelstein moved to approve the presented language for Rule 61G7-10.002, FAC and to notice the rule for development.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

**61G7-10.002 Reporting of Change of Status Required; Effect on Licensees; Change of Licensee Name.**

(1) To enable the Board and the Department to enforce more effectively the prohibition against the unlicensed practice of employee leasing, contained in Section 468.526, F.S., and to enforce other provisions of Part XI of Chapter 468, F.S., licensees shall apply for approval or notify the Board in writing, as appropriate, if the licensee experiences any changes in status listed in subsection (2). The following forms/rule are/is hereby incorporated by reference:

(a) DBPR ELC 1, entitled Application for Licensure as an Employee Leasing Company Controlling Person, (as adopted in Rule 61-35.013, F.A.C.), effective 08/13; available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03389>.

(b) DBPR ELC 2, entitled Application for Licensure as an Employee Leasing Company, (as adopted in Rule 61-35.013, F.A.C., effective 8/13; available at \_\_\_\_\_.

(c) DBPR ELC 3, entitled Application for Licensure as an Employee Leasing Company Group, (as adopted in Rule 61-35.013, F.A.C., effective 8/13; available at \_\_\_\_\_.

(d) DBPR ELC 6, entitled Application for Certificate of Approval for/Notification of Change of Ownership (Asset Purchase), effective 11/12; available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03390> or [https://www.myfloridalicense.com/intentions2.asp?chBoard=true&boardid=63&SID=;](https://www.myfloridalicense.com/intentions2.asp?chBoard=true&boardid=63&SID=)

(e) ~~(e)~~ DBPR ELC 7, entitled Application for Certificate of Approval for/Notification of Change of Ownership (Stock Purchase), effective 11/12, available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03391> or [https://www.myfloridalicense.com/intentions2.asp?chBoard=true&boardid=63&SID=;](https://www.myfloridalicense.com/intentions2.asp?chBoard=true&boardid=63&SID=)

(f) ~~(f)~~ DBPR EL-4513, entitled License Relinquishment Agreement, effective 05/2011, available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03392> or <http://www.myfloridalicense.com/dbpr/pro/emplo/forms.html>;

(g) ~~(g)~~ DBPR EL-4514, entitled Termination of Employee Leasing Company Operations, effective 5/2011, available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03393> or <http://www.myfloridalicense.com/dbpr/pro/emplo/forms.html>; and

(h) (f) DBPR EL-4518, entitled Cross Guarantee Form, effective \_\_\_\_\_, available at

\_\_\_\_\_;  
(i) \_\_\_\_\_ Rule 61-35.013, F.A.C., effective 11-13-13 available  
at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03394>.

(2) Licensees experiencing a change in status listed below in the left column shall file or do what is listed in the corresponding right column as follows:

CHANGE IN STATUS

(a) Group adds new member(s)

NEEDED ACTION BY COMPANY,  
GROUP, OR CONTROLLING PERSON  
new cross guarantees (DBPR EL-4518), new  
application(s) (DBPR ELC 3), and  
application fees for new member(s) but no new  
licensure  
fee(s); new controlling person license application(s),  
(DBPR ELC 1), and  
fee(s) for new controlling person(s) – at least one  
controlling person required for each new company  
unless  
it has one already.

(b) Group dissolves into single companies

new company applications (DBPR ELC 2), and fees  
and assessments –  
group license fee shall be credited to the individual  
applicants who have same ownership as group.

(c) From individual license to group license

new company applications (DBPR ELC 3), with cross  
guarantees (DBPR EL-4518), and

(e.g., single company wishes to form group with other licensed group license fees and assessments – at least one  
company(ies) or with unlicensed, newly created company(ies) controlling person license application (DBPR ELC 1),  
or  
with both)

for each newly  
created company (unless already licensed controlling  
person will serve in that capacity); new controlling  
person license applications (DBPR ELC 1) for each  
new controlling  
person as defined in Rule 61G7-6.003, F.A.C.

(d) Purchase or acquisition of control in which purchasing  
employee leasing company maintains licensed controlling

Within 30 days of purchase or acquisition of control,  
application for approval or notification of change of  
asset purchase (DBPR ELC 6), entitled Application  
for Certificate of

person from either the purchasing or purchased employee  
leasing company

Approval for/Notification of Change of Ownership  
(Asset Purchase) or application for approval or  
notification of change of stock purchase (DBPR ELC  
7), entitled Application  
for Certificate of Approval for/Notification of Change  
of

Ownership (Stock Purchase), as appropriate. Where  
applicable, new controlling person license  
application(s), (DBPR ELC 1) and historical sketch  
(DBPR EL-4512) Form DBPR ELC 1, entitled  
Application for  
Licensure as an Employee Leasing Company  
Controlling  
Person and Form DBPR 4512, entitled Historical

(e) Purchase or acquisition of control in which purchasing employee leasing company does not maintain licensed controlling person from either the purchasing or purchased employee leasing company.

~~Sketch.~~

~~Prior to the purchase or acquisition of control, application for approval or notification of change of asset purchase (DBPR ELC 6), ~~entitled Application for Certificate of Approval for/Notification of Change of Ownership (Asset Purchase)~~ or application for approval or notification of change of stock purchase (DBPR ELC 7), ~~entitled Application for Certificate of Approval for/Notification of Change of Ownership (Stock Purchase)~~, as appropriate, and new controlling person license application, Form (DBPR ELC 1), ~~entitled Application for Licensure as an Employee Leasing Company Controlling Person~~ and historical sketch Form (DBPR 4512), ~~entitled Historical Sketch.~~~~

(f) Member of group leaves but at least two members remain as group

new company application (DBPR ELC 3), and fee from leaving company;  
new controlling person license application (DBPR ELC 1) and fee for any new controlling person as defined in Rule 61G7-6.003, F.A.C.

(g) Controlling person no longer in capacity to act as controlling person for a licensed employee leasing company or group

notification to Board from both company and controlling person. If the controlling person's departure leaves the entity without a controlling person, then the entity may accept no new clients and must submit an application for a new licensed controlling person (DBPR ELC 1) within 30 days or cease operation. Notification to the Board of the name of the new licensed controlling person is a specific requirement

(h) Controlling person resigns from Company A and is employed by Company B as controlling person

prior to taking on new clients or resuming operations. notification to Board from Company A and controlling person; notification to Board from Company B regarding new controlling person no new application needed from controlling person license goes with controlling person; \$5 transfer fee from controlling person.

(3) Within 30 days of a change in its status, the licensee, or other entity resulting from such change or both, shall submit new applications, new financial or other information, and new or additional fees to the Board's office as needed to comply with Part XI of Chapter 468, F.S., and the rules of this Board, by any form of mail that provides the sender with delivery confirmation.

(4) In the event a licensed employee leasing company or employee leasing company group changes their licensed business name, the Board office must be noticed within 30 days.

(a) Such notification should include copies of the filed articles of incorporation, articles of amendment, articles of merger, or fictitious name registration, as filed with the Florida Secretary of State's Office.

(b) A fee of \$50 will be required, together with the original license. A duplicate license reflecting the new

licensed business name will be generated, upon receipt of prior license and completion of these requirements.

(c) The company will be required to provide evidence of workers' compensation coverage in the new company name.

(5) In the event of a name change of a licensed controlling person of an employee leasing company, legal documentation must be submitted to the Board office.

(a) Such documentation would be an original court document or a certified copy of the court document signed by the legal officer of the jurisdiction (judge or clerk of the court), original or certified copy of a marriage certificate, including the book and page number where the marriage was registered. Documentation submitted will remain in the Department's possession.

(b) A fee of \$25 will be required, together with the original license and legal documentation. A duplicate license, reflecting the new licensed name will be generated, upon receipt of prior license and completion of these requirements.

(6) In the event of a change in status of controlling person pursuant to paragraph (2)(g) or (h), as outlined above, the controlling person and all employee leasing companies involved shall submit notifications to the Board of the controlling person's transfer.

(7) If an employee leasing company determines that it wishes to cease to engage in the business of employee leasing and ceases to file required reports then both the controlling person(s) and the company must notify the Department no later than the next required reporting date by submitting DBPR EL-4514, entitled Termination of Employee Leasing Companies Operations, and must immediately return the employee leasing and controlling person licenses to the Board office upon the Board's acceptance of the proffered voluntary relinquishment of license.

(8) In the event of a purchase or acquisition of control pursuant to paragraphs (2)(d) or (e), above, the controlling persons in the purchased employee leasing company must demonstrate that workers' compensation coverage is/was in effect during the purchase or acquisition of control and at all time subsequent thereto for the employees of the entity purchased or over which control was acquired by providing a certificate of coverage from an insurance carrier that is admitted in the State of Florida naming the new owner or owners as the insured.

Rulemaking Authority 468.522, 468.524(2), 468.525(3), 468.526, 468.531, 455.201(2) FS. Law Implemented 468.524(2), 468.5245, 468.525(3), 468.526, 468.531 FS. History—New 1-27-93, Amended 5-20-93, Formerly 21EE-10.002, Amended 10-24-93, 8-17-94, 11-9-95, 5-21-96, 11-24-96, 3-18-97, 3-1-05, 10-23-05, 12-31-06, 11-24-13, \_\_\_\_\_.

After approval of the proposed language, Ms. Clark asked the following questions:

**1. Will the proposed rule amendments have an adverse impact on small business?**

MOTION: Mr. Finkelstein moved that the proposed amendments to Rule 61G7-10.0013, F.A.C. would not have an adverse impact on small business.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

**2. Will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after implementation?**

MOTION: Mr. Finkelstein moved that the proposed language would not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after implementation.

SECOND: Mr. Arfons seconded the motion and it passed unanimously.

Ms. Clark stated based on the board's responses to the questions, a SERC would not be needed.

## **2. BELC 2015-2016 Annual Regulatory Plan**

Ms. Clark advised that the Annual Regulatory Plan for 2015-2016 is due to OFFAR by July 1, 2015. She asked if there were any rules the board would foresee working on or changing in the next fiscal year.

MOTION: Mr. Finkelstein moved that the following rule should be placed on the Annual Regulatory Plan for 2015-2016 for repeal.

- *61G7-10.0013 - Notification of Initiation or Termination of Contractual Relationship*
- 

SECOND: Mr. Jones seconded the motion and it passed unanimously.

## **XV. OLD BUSINESS**

### **A. Revisit – September 2015 Meeting Dates (09/16-17/2015) New Proposed Date and Location – Ritz Carlton, Naples on September 22-23, 2015**

Mr. Finkelstein addressed the board stating that the currently approved dates for the September 2015 meeting are during the same time as the Annual NAPEO Conference.

The board voted to change the September 2015 meeting dates to September 22-23, 2015 and change the location of the meeting to Naples, Florida.

## **XVI. NEW BUSINESS**

None

## **XVII. PUBLIC COMMENTS**

None

## **XVIII. ADJOURNMENT**

MOTION: Mr. Arfons moved to adjourn.

SECOND: Mr. Buchanan seconded the motion and it passed unanimously.

The meeting adjourned at 4:36 p.m.

*Transcripts and/or recordings of the meeting can be obtained upon request.*